

ZONING BOARD OF APPEALS  
APPLICATION PACKET  
EASTON, CONNECTICUT

**Effective 8/05/2019**

**Rev. 7/21/2020**

8/05/2019

ZONING BOARD OF APPEALS APPLICATION PACKET  
EASTON, CONNECTICUT

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8/05/2019

Dear Applicant:

This Zoning Board of Appeals Application Packet has been compiled to help you, the applicant, comply with the Zoning Regulations and obtain a timely decision on your proposal.

In Easton, this application is expedited through the Zoning Board of Appeals. A public hearing must be held within sixty-five (65) days following receipt of the application. At the close of the public hearing, the Zoning Board of Appeals has sixty-five (65) days to render a decision on the application.

The stated appellate process must be adhered to strictly. The applicant should be prepared to present data supporting the application at the public hearing. You will receive a decision on the application submitted.

If the application is deficient for any reason, e.g., incomplete application form or omitted site plan data, it may be denied by the Board. Upon written request, the applicant may obtain an extension of each period in the process equal to the original time period.

The enclosed items are designed to act as a detailed resource throughout the application process. The packet includes the required forms and checklists as required by the Zoning Board of Appeals. If you have additional questions after reading this packet, the Board staff is available to help you Monday through Friday from 10:30 am to 3:00 pm. Please make a note of these times and call the Planning and Zoning Commission staff at (203) - 268-6291, Ext. 120, in Town Hall to make an appointment.

**REQUIRED ITEMS**

1. Fee: This application must be submitted with a fee as set by ordinance - \$200.00 plus \$60.00 state surcharge fee.
2. Applications must be completed in their entirety.
3. Plan Maps: The applicant must provide ten copies of plan maps as required by Planning and Zoning; these copies are in addition to the Large Size Original and 2 copies which are submitted to the Building Department upon application for Building and Zoning Permits.
4. Documents: Ten copies of all other documents as required by the Planning and Zoning Commission which includes the Zoning Permit Application, Building Permit Application and any required attachments, Certified Plot Plan and Building Plans as well as the completed Three Page Zoning Board of Appeals Application.
5. Legal Notice: Notice of Public Hearing must be given to property owners within 250 feet of the property lines. Envelopes and certified receipts (green and white) need to be completed by applicant for each of the above neighbors and brought in with the application. Postage is presently **\$6.90** (cost subject to change); amount calculated at the current rate times the number of neighbors to be notified and is at the applicant(s) expense.

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## ZONING BOARD OF APPEALS APPLICATION PROCESS

### A. APPLICATION

#### 1. Submission

Applications may be submitted to the Zoning Board of Appeals Office in Town Hall from 10:30 am to 3:00 pm Monday through Friday.

#### 2. Review for Necessary Items

The application will be reviewed for completeness by the Board staff upon receipt. The applicant will be notified by the Board if the application is incomplete in accordance with the Zoning Regulations.

### B. REVIEW

1. After the completed application has been received the Board has sixty-five (65) days in which to hold the public hearing. During this time the application may be reviewed by Board members and Town staff.

#### 2. Revisions and Corrections to Application

An accepted application must be completed, including revisions and corrections of minor deficiencies; twenty days prior to the Public Hearing. This affords the Board members and the public opportunity to inspect the proposal prior to the Public Hearing.

#### 3. Comments and Extensions:

The sixty-five (65) day time period in which to hold a public hearing after application receipt may be extended by Board agreement and consent of the applicant for up to an additional one time extension of sixty-five (65) days.

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## ZONING BOARD OF APPEALS APPLICATION PROCESS (Continued)

### C. NOTICE OF PUBLIC HEARING

1. The Zoning Board of Appeals is responsible for publication of the legal notice in the newspaper, and for notification of any other parties required.

### D. PUBLIC HEARING

#### 1. Applicant Responsibilities

The applicant should be prepared to give a formal presentation of the proposal at the beginning of the public hearing.

#### 2. Deadline and Extension

The public hearing must be completed within thirty (35) days. If it is reconvened, proper public notice must be published. The applicant may agree to extend the time for a public hearing for an additional thirty (35) days.

### E. DECISION

1. A decision on the application will be made by the Board within sixty-five (65) days of the close of the public hearing.

#### 2. Notice

Notice of the decision will be published in the newspaper within fifteen (15) days of the decision date. In addition, the applicant will be notified of the decision by certified letter.

#### 3. Recording of the Decision

The variance will become effective upon the applicant's recording of the decision in the Town Land Records in the Town Clerk's Office.

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## ZONING BOARD OF APPEALS APPLICATION PROCESS (Continued)

### 4. Deadline and Extension

A decision on the application must be made within sixty-five (65) days of the close of the public hearing. An extension of the decision period for an additional sixty-five (65) days may be granted if requested in writing by the applicant.

### F. APPEAL

The applicant and other aggrieved parties may appeal the decision to the Superior Court of the State of CT within fifteen (15) days of publication of the decision.

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## APPLICATION TO THE ZONING BOARD OF APPEALS

Zoning Board of Appeals  
Easton, Connecticut 06612

Application Number \_\_\_\_\_

Applicant \_\_\_\_\_ Owner \_\_\_\_\_

Address \_\_\_\_\_ Address \_\_\_\_\_

\_\_\_\_\_ hereby appeal to your Board from the denial by the Planning and Zoning

Commission of my application for a permit to: \_\_\_\_\_

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Signature of Applicant\_\_\_\_\_

Telephone Number

Application and documents submitted: Date:\_\_\_\_\_

By:\_\_\_\_\_

For the Commission



8/05/2019

**ZONING BOARD OF APPEALS**  
**TOWN OF EASTON, CONNECTICUT**  
**APPLICATION FOR VARIANCE TO ZONING REGULATIONS**  
(Please refer to Section **8700** of Zoning Regulations of the Town of Easton)  
FEE: \$200.00

Date: \_\_\_\_\_ 19\_\_\_\_

OWNER \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

APPLICANT (if different) \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

TAX ASSESSOR MAP NO. \_\_\_\_\_ BLOCK NO. \_\_\_\_\_ LOT NO. \_\_\_\_\_

DISTRICT:        A \_\_\_\_        B \_\_\_\_

☐ Property is        ☐ is not within 500 feet of a Town line

Give accurate location of property site so it can be identified when inspection is required.  
(Street address-nearest cross street, other prominent features).

\_\_\_\_\_  
\_\_\_\_\_

Indicate each specific provision of the Zoning Regulations from which a variance is required.

Sect./para. \_\_\_\_\_; Sect./para. \_\_\_\_\_; Sect./para. \_\_\_\_\_; Sect./para. \_\_\_\_\_

Describe fully the nature and extent of each variance applied for above.

\_\_\_\_\_  
\_\_\_\_\_

Indicate the specific provisions of the Zoning Regulations from which a variance is requested.

|                                |                           |            |
|--------------------------------|---------------------------|------------|
| Zoning Section # _____         | Setback(s) proposed _____ | feet-Front |
| _____ feet - Watercourse _____ | _____ feet-Left _____     | feet-Right |
| _____ feet - Corner lot _____  |                           | feet-Rear  |

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**APPLICATION FOR VARIANCE TO ZONING REGULATIONS(CONTINUED)**

State fully the reasons why:

- a. Strict application of the regulations would create exceptional difficulty or unusual hardship; and
- b. Such hardship is unique to the property.

(Financial hardship is not sufficient basis for granting of a variance).

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Does the variance applied for constitute an alteration, conversion, extension, or expansion of an existing non-conforming condition?

NO\_\_\_ YES\_\_\_ if Yes, explain in detail

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Has any previous application been made to ZBA for a variance relative to all or any part of said property?

NO\_\_\_ YES\_\_\_ if Yes, specify when and for what.

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Is there a home occupation at the location or has a Special Permit been granted for the property?

NO\_\_\_ YES\_\_\_ if, Yes, explain

Applicant hereby grants to ZBA Members the right to make physical on-site inspection of the property as may be necessary to acquaint themselves with actual conditions.

|  |       |      |       |
|--|-------|------|-------|
| Applicant                              | _____ | Date | _____ |
| Owner                                  | _____ | Date | _____ |
| Received at Planning and Zoning Office | _____ | Date | _____ |
| Reviewed by Zoning Enforcement Officer | _____ | Date | _____ |

8/05/2019

### **WHAT TO EXPECT AT THE MEETING**

You will be asked to state your name and present the reasons why you are coming before the Board. After you have fully stated your case and answered any questions that may be asked of you, the chairman will ask if there is anyone else present to speak for or against your application; if not, the public portion of the meeting will be closed. You will not be allowed after that point to add any new information, so please be thorough. You are allowed to stay for the Board's deliberation if you so choose but once again you may not enter into any conversations.

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EASTON ZONING BOARD OF APPEALS  
(Memorandum of hearing and Decision)

Hearing Date: \_\_\_\_\_ Application Number: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

Other People Appearing:

| <u><b>In Support of Applicant</b></u> | <u><b>Against Applicant</b></u> | <u><b>Neither</b></u> |
|---------------------------------------|---------------------------------|-----------------------|
|---------------------------------------|---------------------------------|-----------------------|

|       |       |       |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Motion to Approve \_\_\_\_ or Deny \_\_\_\_ made by: \_\_\_\_\_

Seconded by \_\_\_\_\_

| <u><b>Voting Members:</b></u> | <u><b>In Favor</b></u> | <u><b>Opposed</b></u> | <u><b>Abstained</b></u> |
|-------------------------------|------------------------|-----------------------|-------------------------|
|-------------------------------|------------------------|-----------------------|-------------------------|

|                    |       |       |       |
|--------------------|-------|-------|-------|
| John Harris-Chair  | _____ | _____ | _____ |
| Raymond Ganim      | _____ | _____ | _____ |
| Victor George      | _____ | _____ | _____ |
| Stephanie Christie | _____ | _____ | _____ |
| James Wright       | _____ | _____ | _____ |

**Alternates:**

|                   |       |       |       |
|-------------------|-------|-------|-------|
| Charles Lynch is  |       |       |       |
| voting for _____  | _____ | _____ | _____ |
| Thomas Dollard is |       |       |       |
| voting for _____  | _____ | _____ | _____ |
| Scott Charmoy is  |       |       |       |
| voting for _____  | _____ | _____ | _____ |

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## MINUTES OF BOARD

- A. If application for variance is to be granted the following must be satisfied by checking "Yes":

Yes No

\_\_\_ \_\_\_ A peculiar or unique characteristic of the property is such that the literal enforcement of the zoning regulations would result in exceptional or unusual hardship other than a financial hardship or loss of financial advantage;

Yes No

\_\_\_ \_\_\_ The nature of the hardship is not a self-inflicted hardship which is the result of an action by the applicant.

Yes No

\_\_\_ \_\_\_ The applicant has demonstrated that he or she has pursued all other alternatives available under these regulations; and

Yes No

\_\_\_ \_\_\_ The applicant has demonstrated that the granting of the requested variance will have no adverse effect on the surrounding properties with regard to health, safety, welfare or property values; and that the variance is consistent with the general purpose of these regulations.

- A. If application for variance is granted, statement of finding:

- C. Special Conditions, if any:

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**MINUTES OF BOARD (Continued)**

D. Reason for Denial:

E. Additional Notes:

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**Year 2020 Schedule of Meetings**

December 2, 2019

Christine Halloran  
Town Clerk-Town of Easton  
225 Center Road  
Easton, Ct. 06612

Dear Ms. Halloran,

This letter is to inform you that the Zoning Board of Appeals of the Town of Easton at its regular meeting of December 2, 2019 adopted the following calendar for its regularly scheduled meetings for the year 2020. Meetings are scheduled for the **first Monday of the month at 5:30pm** except as noted below. All meetings will be in Conference Room A of the Easton Town Hall, 225 Center Road, unless over-capacity attendance is anticipated, in which case the alternative location will be posted at the Town Hall.

|              |                                   |
|--------------|-----------------------------------|
| Jan. 6, 2020 | July 6, 2020                      |
| Feb. 3,      | Aug. 3,                           |
| Mar. 2,      | <b>Sept. 14, (9/7, Labor Day)</b> |
| Apr. 6,      | Oct. 5,                           |
| May 4,       | Nov. 2,                           |
| June 1,      | Dec. 7,                           |

If this schedule changes for any reason you will be given the proper notice within the given time period in compliance with the Freedom of Information Act.

Thank you for your kindness in posting this information.

Very truly yours,

ZONING BOARD OF APPEALS

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John Harris, Chairman

JH/ma

cc: Selectmen, Town Engineer, Board members, ZEO, Receptionist, press, daybook

## ZONING BOARD OF APPEALS

### Powers And Duties

The Zoning Board of Appeals (ZBA) shall have all the powers and duties prescribed by Chapter 124 of the Connecticut General Statutes, prescribed by these Regulations, or conferred by general law.

1. **Appeals** - The ZBA shall have the authority to hear and decide upon any appeal where it is alleged that there is an error in the order, requirements, decision or determination of any official charged with the enforcement of these Regulations. No question of hardship shall be involved in such an appeal, and the action of the ZBA thereon shall be limited to the question of whether or not, and to what extent such order, requirement, decision, or determination was a correct interpretation of the subject provision of these Regulations.
2. **Variances** – Except as provided below, the ZBA shall have the authority to vary or adjust the strict application of these Regulations in only those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured. The Board shall not grant a variance:
  - a. In the case of Special Permits (Section 8400), Procedures (Section 8000) and special density exemptions pursuant to CGS Section 8-2g.
  - b. Which permits or extends a use which is otherwise not permitted by these Regulations.
3. **Other Matters** - To hear and decide all matters upon which it is required to pass under any provisions of these regulations or the Connecticut General Statutes.

### Appeals

1. All appeals to the ZBA from an order, requirement, decision or determination of any official charged with the enforcement of these Regulations shall be taken within thirty (30) calendar days of such order, requirement, decision or determination.
2. Such appeals shall be made in writing on a form prescribed by the ZBA and shall be accompanied by a filing fee to cover the cost of processing the appeal.
3. No appeal shall be granted that would alter, revise or otherwise change any of the conditions attached to the granting of a Special Permit by the Commission, if such conditions are more restrictive than otherwise provided for in these Regulations or if such conditions do not refer to specified standards in these Regulations.



## Variances

1. All applications for variances shall be submitted in writing in a form prescribed by the ZBA. The ZBA may deny an application for incomplete information having been submitted.
2. The Board may require the filing of a survey prepared by a land surveyor licensed to practice in Connecticut when the variance is dimensional in nature or such survey is integral to the understanding of the application.
3. The date of receipt for the Variance application shall be determined in accordance with Section 8820.
4. The ZBA shall hold a public hearing on all appeals and applications for variances, shall decide thereon, and shall give notice of the date of the public hearing on the application and on its decision in accordance with the provisions of the Connecticut General Statutes.
5. To assist with its consideration of an appeal or application, the ZBA may refer such appeal or application to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.
6. The applicant may, at any time prior to action by the Board, withdraw such application.
7. The concurring vote of four (4) members of the Board shall be necessary to vary the application of the Zoning Regulations.
8. No variance shall be granted by the ZBA unless it makes the following findings:
  - a. A peculiar or unique characteristic of the property (which shall be recorded in the minutes of the Board) is such that the literal enforcement of the zoning regulations would result in exceptional or unusual hardship other than a financial hardship or loss of financial advantage;
  - b. The nature of the hardship (which shall be recorded in the minutes of the Board) is not a self-inflicted hardship which is the result of an action by the applicant or by someone other than the applicant such as a previous owner of the property, nor is the hardship a result of conditions which the applicant can alter, but prefers not to change;
  - c. The applicant has demonstrated that he or she has pursued all other alternatives available under these Regulations; and .
  - d. The applicant has demonstrated that the granting of the requested variance will have no adverse effect on the surrounding properties with regard to health, safety, welfare or property values, and that the variance is consistent with the general purpose of these Regulations.
9. Whenever the ZBA grants a variance, it shall include in its minutes as part of the record:
  - a. The specific provision of these Regulations which was varied,
  - b. The extent of the variance,
  - c. The reason for its decision, including the findings in Section 8730.8, and
  - d. The specific hardship upon which its decision was based.
10. In exercising any of its authority, the ZBA may attach any conditions and safeguards as may be required to protect the public health, safety and general welfare, and to ensure ongoing compliance with these Regulations. Violation of such conditions and safeguards shall be deemed to be a violation of these Regulations.

Any variance granted by the ZBA shall become effective upon its filing by the applicant in the office of the Town Clerk and in the Town land records.

11. Any variance granted by the ZBA which is not recorded within one year from its effective date shall be null and void.
12. If the ZBA denies a variance, it shall not be required to hear an application for the same variance or substantially the same variance for a period of six months after the date of denial, unless the circumstances associated with the application have substantially changed. A change in ownership of property or any interests therein shall not be deemed a substantial change.
13. No variance shall be granted that would alter, revise or otherwise change any of the conditions attached to the granting of a Special Permit by the Commission, if such conditions are more restrictive than otherwise provided for in these Regulations or if such conditions do not refer to specified standards in these Regulations.

### **Use Variances**

1. In addition to complying with all the requirements contained in Section 8730, no use variance shall be granted by the ZBA which would permit:
  - a. A use prohibited either implicitly or explicitly by these Regulations;
  - b. The expansion of a non-conforming use;
  - c. The number of dwelling units on a lot to exceed the maximum allowed in the district in which the lot is located; or,
  - d. A use otherwise allowed by Special Permit in the district in which the use is located.
2. No use variance shall be granted where a dimensional variance would relieve the exceptional difficulty or unusual hardship.
3. The use variance granted shall be the minimum variance necessary to allow a reasonable use of the property
4. Prior to a public hearing on any application for a use variance, the ZBA shall transmit the application to the Commission for its review and comment. Any report submitted by the Commission to the ZBA shall be read into the record of the public hearing of the subject application.

## **Floodplain Variances**

1. In addition to complying with all the requirements contained in Section 8730, no floodplain variance shall be issued by the ZBA unless:
  - a. The ZBA finds based on evidence in the record and recorded in the minutes that there will be no increase in the flood levels during the base flood discharge with the burden of proof lying with the applicant, subject to review by the Town Engineer and the Planning and Zoning Commission;
  - b. The owner of the property shall have submitted a sworn affidavit indicating that he or she acknowledges that:
    - i. Construction in the floodplain will result in increased premium rate for flood insurance
    - ii. Construction below the base flood level increases the risk to life and property;
    - iii. The Town of Easton assumes no liability for any damage or loss of life relating to the granting of the variance or subsequent construction; and
    - iv. The owner, successor and assigns agree to hold the Town of Easton harmless from any and all claims which might result from granting the variance
2. No floodplain variance shall be effective until filed on the Land Records along with the sworn affidavit provided in Section 8750.1.

**EASTON**  
**ZONING BOARD OF APPEALS (ZBA)**

**HARDSHIP – WHAT IS LEGALLY REQUIRED?**

To determine and vary the application of the zoning regulations, but only in harmony with the general purpose and intent of the regulations and only with respect to a parcel of land having unusual conditions, not generally encountered within the zoning district, which would make development in full accordance with the regulations extremely difficult. In legal terms, the conditions must be such as to cause “exceptional difficulty or unusual hardship.”

Variances of the zoning regulations may be granted only “in harmony with their general purposes and intent and with due considerations for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.”

The courts have strictly interpreted the variance requirements set forth in C.G.S. Section 8-6, and they have sustained several appeals from decisions in which variances were improperly granted. Financial considerations are rarely a valid reason for issuing a variance, the possible economic advantage to the landowner is not sufficient. The hardship must arise from the operation of the regulations on the land, not on the landowner, and the land must be “peculiarly disadvantaged” by the regulation for which a variance is sought.

**PUBLIC HEARING BEGINS AT 5:30P.M. EASTON TOWN HALL,  
SECOND FLOOR CONVERENCE ROOM**

**What To Do After Your Case is Announced**

1. Proceed to the front of table, state your name, address and the person you represent, if any, speak and interest in the property, (Owner, Agent, Attorney, etc.)
2. Explain what you perceive your hardship to be in brief manner.
3. Submit to the Board any signed letters and/or petitions you may have from neighbors.
4. Offer to answer questions from Board members.

## **Watershed or Aquifer Area Project Notification Form**

### **REQUIREMENT:**

Within seven days of filing, all applicants before a municipal Zoning Commission, Planning and Zoning Commission, Zoning Board of Appeals or Inland Wetlands Commission for any project located within a public water supply aquifer or watershed area are required by Public Act No. 06-53 of the CT General Statutes to notify The Commissioner of Public Health and the project area Water Company of the proposed project by providing the following information.

To determine if your project falls within a public water supply aquifer or watershed area visit the appropriate town hall and look at their *Public Drinking Water Source Protection Areas* map. If your project falls completely within or contain any part of a public water supply aquifer or watershed you are required to complete the following information.

**Note: You will need information obtained from the *Public Drinking Water Source Protection Areas* map located in the appropriate town hall to complete this form.**